IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WA.No. 1576 of 2007

AGAINST THE JUDGEMENT IN WPC.25272/2006 Dated 05/12/2006
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APPELLANT/PETITIONER:

DR. SUNALI ARORA, W/O. SHRI. DINESH ARORA
AGED 28 YEARS, D-7-2, M.S.FLATS,
SECTOR XII, RK PURAM, NEW DELHI-110 066,
PRESENTLY RESIDING AT C-2/19, MOTI BAG,
NEW DELHI.

BY ADV. SRI.MATHEWS J.NEDUMPARA
SRI.V.SREEVALSAN

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DR. DINESH ARORA IAS,
SUB-COLLECTOR, OTTAPALAM, KERALA, PRESENTLY
WORKING AS DIRECTOR, RURAL HEALTH SERVICES,
DEPARTMENT OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER MR.M.R.SABU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1576 of 2007

Dated, this the 2nd day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Challenging the correctness or otherwise of the orders passed by the learned Single Judge in W.P.(C) No.25272 of 2006 dated 5th December, 2006 the appellant is before us in this writ appeal.

2. In the writ petition filed under Article 226 of the Constitution, the petitioner had sought for the following reliefs. They are: (i) to issue a writ of mandamus directing the first respondent in the writ petition to cause an investigation on Exts.P2 and P6 complaints and (ii) to direct the second respondent to explain why no action on Exts.P2 and P6 complaints has been taken so far.

3. Ext.P2 is a letter written by the petitioner to the Chief Secretary, Government of Kerala, Thiruvananthapuram. Ext.P6 is yet another letter written by the petitioner to the former Chief Minister of Kerala.

4. It is the case of the petitioner before this Court that in spite of those complaints, the first respondent has not initiated any disciplinary proceedings against the second respondent.

5. The learned Single Judge being of the opinion that if there is any strained relationship between the petitioner and the second respondent, for that strained relationship they have to approach and sort out the same in a family court and no direction can be given for initiating disciplinary proceedings since the same may not fall under the expression of 'misconduct' as defined under the Service Law Jurisprudence.

6. In our opinion, the observations and the conclusions reached by the learned Single Judge are not only justified but also in accordance with law. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns